

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| AMERICAN CIVIL LIBERTIES UNION, et al. | : | CIVIL ACTION |
| | : | |
| v. | : | NO. 98-5591 |
| | : | |
| ALBERTO R. GONZALES in his official capacity | : | |
| as Attorney General of the United States | : | |

ORDER

AND NOW, this 27th day of April, 2006, upon consideration of the motion of defendant to extend the deadline for the exchange of principal expert reports (Doc. No. 273); the response of plaintiff in opposition thereto (Doc. No. 274); and the reply of defendant thereto (Doc. No. 275) and taking at face value the truth of the assertion of defense counsel that the relevant defense experts have (1) expedited their review of data in an attempt to meet the current deadline of May 3, 2006; (2) said experts will nonetheless be unable to complete their reports within the current deadline and finding herewith that the plaintiffs have not persuaded the court that such conclusory statements¹ are untrue, nor that the plaintiffs will be prejudiced by a brief extension of the dates for submission of both the principal and rebuttal reports of all experts for all parties, (the extension of time for rebuttal reports having been alternatively requested by plaintiffs and unopposed by defendant), and finding that the extension requested will not effect the ability of the parties to comply with the other provisions and deadlines established by Pre-

¹This Court remains critical of the defendant's failure to show diligence in (1) seeking discovery from Google, Inc. and (2) seeking an earlier hearing date after its January 18, 2006 (seemingly tardy) filing of its motion to compel Google, Inc. to provide the data sought. Defendant should not expect to gain further extensions of due dates in this case. The minimal nature of this request for an extension suggests to the Court that plaintiffs' disappointment in the seeming lethargy of the defendant's efforts to secure data from Google might have been accommodated by plaintiffs as it has been by the Court, thus preventing this motion practice.

Trial Order No. 24 (Doc. No. 258),

NOW THEREFORE it is hereby **ORDERED** that:

1. Paragraph 7 of Pretrial Order No. 24 (Doc. No. 258) is hereby amended to provide as follows:

“7. The cut-off date for expert discovery shall be **Friday, August 11, 2006**. The parties shall exchange principal expert reports by **Monday, May 8, 2006**; will exchange rebuttal reports by Thursday, July 6, 2006; and will commence expert depositions by **Monday, July 17, 2006**”, and

2. This Order shall not change any other term of Pre-Trial Order No. 24.

S/ Lowell A. Reed, Jr.
LOWELL A. REED, JR., S.J.